

Appendix.

Statute Involved.

Act of March 16, 1878, 20 Stat. at L. 30, chap. 37, now 28 U. S. C. A., sec. 632:

“In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, Territorial courts, and courts martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness. And his failure to make such request shall not create any presumption against him.”

Rules Involved.

Rules of the United States Circuit Court of Appeals for the Third Circuit:

Rule 33.

Oral Arguments.

1. **OPENING AND CLOSING.** The appellant or petitioner in this court shall be entitled to open and conclude the argument of the case. But when there are cross appeals or petitions they shall be argued together as one case, and the plaintiff or petitioner below shall be entitled to open and conclude the argument.

4. **SUBMISSION ON BRIEFS.** Any case called for argument may, with the consent of the court, be submitted on briefs without oral argument if counsel on both sides desire to submit it in that manner.

Rule 35.**Petitions for Rehearing.**

1. **WHEN FILED—FORM—ORAL ARGUMENT.** A petition for rehearing may be filed with the clerk of this court within 15 days after judgment is entered, unless the time is enlarged by order of the court. It must be printed, and briefly and distinctly state its grounds, and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. Such a petition is not subject to oral argument and will not be granted, unless a judge who concurred in the judgment desires it, or a majority of the court *en banc* so determines.